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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,668	06/05/2000	Tao Chen	PA000245	8446
23696	7590	09/25/2006	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/587,668	<b>Applicant(s)</b> CHEN, TAO	
	<b>Examiner</b> Sheila B. Smith	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai (U.S. Patent Number 5,898,682) in view of Choi (U.S. Patent Number 6,278,882).

**Regarding claim 29,** Kanai discloses all the claimed invention as set forth in the instant application, further Kanai discloses a radio channel control apparatus used in a CDMA cellular system and capable of changing cell size. Additionally, Kanai discloses detecting and unbalanced quality of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25); increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); increasing a pilot channel transmit power level of the wireless device and, channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal is below a predefined target signal quality (which reads on column 2 lines 9-18). However Kanai fails to decreasing a power gain of other channels.

In the same field of endeavor, Choi discloses a call control method in base station of CDMA mobile radio communication system. Choi further discloses decreasing a power gain of other channels as disclosed in column 4 lines 50-67.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Kanai with to decreasing a power gain of other channels as taught by Choi for the purpose of obtaining a uniform power level.

**Regarding claim 30.** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

**Regarding claim 31.** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

**Regarding claim 32.** Kanai discloses 32. the wireless device is in soft handoff (which reads on column 1 lines 53-55).

**Regarding claim 33.** Kanai discloses means for detecting an unbalanced quality of a power control of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25), means increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); means for increasing a pilot channel transmit power level of the wireless device and, means for channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal in below a predefined target signal quality (which reads on column 2 lines 9-18). However Kanai fails to decreasing a power gain of other channels.

In the same field of endeavor, Choi discloses a call control method in base station of CDMA mobile radio communication system. Choi further discloses decreasing a power gain of other channels as disclosed in column 4 lines 50-67.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Kanai with to decreasing a power gain of other channels as taught by Choi for the purpose of obtaining a uniform power level.

***Regarding claim 34.*** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

***Regarding claim 35.*** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

***Regarding claim 36.*** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

***Regarding claim 37.*** Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

***Regarding claim 38.*** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

***Regarding claim 39.*** Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

***Regarding claim 40.*** Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

***Response to Arguments***

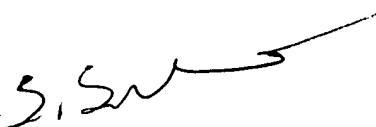
2. Applicant's arguments with respect to claims 29-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith   
September 18, 2006

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER